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72-9306

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Date: <u>June 28, 2005</u>

Pages: 2

PATENT ART UNIT 3611 Serial No: 10/751,708

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REPLY TO EXAMINER'S ELECTION/RESTRICTION REQUIREMENT

Applicant:

BERG, William L.

Serial No:

10/751,708 January 5, 2004

Filed: Title:

PICTURE FRAME ASSEMBLY WITH)

INTEGRATED PICTURE STORAGE)

Docket No:

B044 P00773-US1

Art Unit: 3611

Examiner: ROYAL, Paul

Commissioner of Patents and Trademarks PO Box 1450 Alexandria, VA 22313

Sir:

Applicant has received the Examiner's Office Action, mailed June 16, 2005. In response to the Examiner's comments, Applicant hereby states that the species are both covered under the generic claims found in the application. Further, the applicant asserts that the two species, Species 1 shown in Figures 1-4 and Species 2 shown in Figure 5 are obvious variants of one another, wherein the engagement rails in Figs. 1-4 are shown as separate components and the engagement rails in Fig. 5 are formed

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integrally with the frame itself. Accordingly, the Applicant asserts that the two species are obvious variants of one another and are only shown for the purpose of illustration of alternative embodiments. Applicant therefore asserts that the restriction requirement has been traversed and respectfully requests withdrawal.

Should the Examiner not find the arguments herein persuasive, the Applicant provisionally elects the invention as disclosed and identified by the Examiner as Species 1, shown in Figs. 1-4.

Respectfully submitted

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